

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/605,812

Filing Date: October 29, 2003

Title: PROCESS FOR OBTAINING BIO-FUNCTIONAL FRACTIONS FROM BIOMASS

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Dkt: 1865.015US1

**REMARKS**

In the Restriction Requirement mailed July 15, 2005, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a method for separating a germ fraction from corn and the germ fraction itself, classified in class 241, subclass 8.
- II. Claim 9, drawn to a germ fraction from corn, classified in class 426, subclass 629.
- III. Claims 10-15, drawn to an apparatus, classified in class 99, subclass 537.

Applicant elects, with traverse, Group I, claims 1-8. Applicant respectfully cancels claims 9 and 10-15 (Groups 2 and 3) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

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**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DOUG VAN THORRE

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6976

Date 12 Aug 05 By Jamal M. Kalis  
Jamal M. Kalis  
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of August, 2005.

Kate Gordon  
Name

Kate G  
Signature